

11-21-01

Customer Number: 000959

A

**DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM
UNDER RULE 1.53(b) (former Rule 1.60)**

jc843 U.S. PTO
10/6/01

| DOCKET NUMBER | ANTICIPATED CLASSIFICATION OF THIS APPLICATION: | | PRIOR APPLICATION SERIAL NUMBER: 09/905,436 | PRIOR APPLICATION FILING DATE: JULY 13, 2001 |
|----------------------|---|-----------|--|---|
| SMQ-082CN2/P6396CNT1 | CLASS: 379 | SUBCLASS: | EXAMINER: | ART UNIT: 2643 |

COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
2900 Crystal Drive
Arlington, VA 22202-3513

09/908854 U.S. PTO
11/19/01

CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: November 19, 2001

Mailing Label Number: EL 833 316 849 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Commissioner for Patents, Box Patent Application, 2900 Crystal Drive, Arlington, VA 22202-3513 (**mailed to this address in accordance with instructions received from Eugenia Jones of the Office of Patent Legal Administration**).

Viriato G. Cardoso

Name of Person Mailing Paper



Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a continuation divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/905,436 filed on July 13, 2001, of John Teloh, Philip Newton and Simon Crosland, entitled STORAGE NETWORK DATA REPLICATOR.

1. Enclosed is a copy of a specification as prescribed by 35 U.S.C. §112, containing a description pursuant to 37 C.F.R. §1.71 and at least one claim pursuant to 37 C.F.R. §1.75 and any drawing required by 37 C.F.R. §1.81(a). The enclosed papers are as follows:
 - 1 page(s) of cover
 - 18 page(s) of specification
 - 10 page(s) of claims
 - 1 page(s) of abstract
 - 9 sheet(s) of drawing
 - 12 page(s) of declaration and power of attorney.
2. Applicant claims small entity status. See 37 CFR 1.2.
3. The filing fee is calculated below:

| | NUMBER OF CLAIMS FILED | MINUS | NUMBER EXTRA |
|--|------------------------|-------------|--------------|
| TOTAL | * 30 | MINUS ** 20 | = 10 |
| INDEP. | * 3 | MINUS *** 3 | = 0 |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS | | | |

| SMALL ENTITY | | OTHER THAN A SMALL ENTITY | |
|--------------|---------|---------------------------|-----------|
| RATE | FEES | RATE | FEES |
| x 9 = | \$.00 | x 18 = | \$ 180.00 |
| x 42 = | \$.00 | x 84 = | \$ 0.00 |
| +140 = | \$.00 | + 280 = | \$ 00 |
| BASIC FEE | \$.00 | BASIC FEE | \$ 740.00 |
| TOTAL | \$ 0.00 | TOTAL | \$ 920.00 |

4. The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
5. A check in the amount of \$920.00 is enclosed for payment of the filing fee.

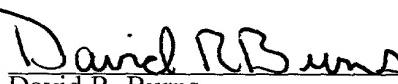
6. Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. Amend the specification by inserting before the first line the sentences: "This application is a continuation application of application no. 09/905,436 filed on July 13, 2001, Pending. The contents of all of the aforementioned application(s) are hereby incorporated by reference."
9. Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. New formal drawings are enclosed.
11. An assignment of the invention to Sun Microsystems, Inc. is enclosed. A check in the amount of \$40.00 for recording this assignment and a recordation form cover sheet (Form PTO 1595) are also enclosed.
12. A _____ month extension of time has been submitted in the parent application Serial No. in order to establish copendency with the present application.
13. The power of attorney in the priority application is to Sun Microsystems, Inc..
 - a. The power appears in the original papers in the prior application.
 - b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
 - c. A new power has been executed and is attached.
14. Address all future communications (May only be completed by applicant, or attorney or agent of record) to Kevin J. Canning at Customer Number: 000959 whose address is:

Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

15. Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.
16. Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. _____. Please use the computer readable form of application serial no. _____ in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. _____ are the same.

November 19, 2001
Date

LAHIVE & COCKFIELD, LLP
28 State Street
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Tel. (617) 227-7400



David R. Burns
Reg. No. 46,590
 inventor(s) filed under §1.34(a)
 assignee of complete interest
 attorney or agent of record